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# U. S. STEEL ARGUES SUIT IS TOO LATE

"Rights Have Grown Up Following Acquiescing of Government in Organization."

# ANSWER FILED IN TRENTON

#### J. P. Morgan and Other Individuals Join with Corporation in Step Against Dissolution Proceedings.

Trenton, N. J., Jan. 31.-Answers to the government's suit under the Sherman act for the dissolution of the United States Steel Corporation, which will be filed in the United States District Court here to-morrow by the Steel Cor poration, Andrew Carnegie, John D Rockefeller and Edmund C. Converse were made public to-day. The answer of the Steel Corporation was joined by the following individual defendants to the government's action: J. Pierpont Morgan, Elbert H. Gary, Charles M. Schwab, Charles Steele, Henry C, Frick, James Gayley, William H. Moore, James H. Moore, Percival Roberts, jr., Daniel G. Reid, Norman B. Ream, George W. Perkins and Peter A. I Widener.

All the answers contained a general denial of the alleged violations of the Sherman law, while the Steel Corporation, in denying that it ever violated or intended to violate this law, particularly denied that it was now engaged in violating the act, and said that the complaint against it therefore should be dis-

As a principal reason why the Steel Corporation should not be compelled to dissolve now, the answer submitted "that after acquiescing in the organizais now too late for the government to insist in a court of equity that such organization was in itself and without re-

#### Answer Describes Sacred Rights. The sacred rights mentioned were described in the following paragraph:

That not only has the Steel Corporation

Summarized, the answer defended the firmation of the Orozco report. organization of the subsidiary companies and denied that they were formed in violation of the anti-trust act. It set forth that they were a normal and necessary development of the times, and insisted that instead of restraining trade or commerce they have developed and increased it.

### How Corporation Arose.

Describing the organization of the United States Steel Corporation, the answer said that the organization was suggested and induced by the officers and directors of the Federal Steel Company, which, although largely integrated, was without finishing mills for sufficiently diversified product or sufficient capital either to build or to acquire them. Upon receipt of information that the Carnegie company and the American Steel and Wire Company could be bought negotiations were opened through J. P. Morgan & Co. for the acquisition of these two and other com-

The reasons which led to the organ ization of the Steel Corporation, the answer said, were that the officers and directors of the Federal Steel Company had learned by experience that greater economies could be effected by integrating the plants and processes em ployed in the manufacture of steel; that foreign commerce in steel products could be much more successfully carried on by a company which could manufature sub stantially all finished products of steel and put them down in foreign markets in large quantities and at alluring prices. It was for these reasons alone that the Steel Corporation was formed, the answer added, and that if any company ac quired by the Steel Corporation had been organized in restraint of trade, neither the organizers nor the Steel Corporation had any knowledge thereof when the companies were acquired; they had been in existence for a number, of years, and their organization had been known to States government, and had never been mand until March 1. challenged in any way, and their purchase by the Steel Corporation was in entire good faith simply because their properties were suitable for the purposes of the Steel Corporation.

# Not Hidden from Government.

The answer then went on to say: That said burposes substantially as agreen stated were made public at the time they were formed, in many speeches, circulars, newspaper articles and official reports, as was every detail of the organization of the Steel Corporation; that the attention of the officers of the United States advernment was particularly directed to said organization at the time it was effected and they have since examined into it exam and again, conctimes with great fulonth within a few months, so far as these befendants are aware and as they believe, has any department or responsible officer of the government criticised the said or-sinization as being in either its purpose or ffect a combination in restraint of trade of commerce or a monopoly or an attempt at monopoly; that in the mean time in good fath and with great publicity the Steel Copporation has pursued the objects and only the objects for which it was organized as then and hereinbefore declared; that full and accurate reports of all its eperations have been made each and every year since it was organized and said re-

Continued on third page.

# Two Well Known New Yorkers

Give personal recollections of CHARLES DICKENS'S visit to New York and Brooklyn in 1867-'68 as a part of the special Dickens anniversary feature in next

Sunday's Tribune

# JUAREZ GARRISON REBELS: TWO AMERICANS KILLED

Mexican Troops at Border Town Rush on Their Commander and Imprison Him.

### SENTIMENT ANTI-MADERIST

#### Rising Begins with News of General Orozco's Resignation-Foreigners Driven Out-Fourteen Dead.

El Paso, Tex., Feb. 1.—Shortly after midnight an Italian surgeon holding a point of death. The will provides that commission in the Mexican army, who on his death his share goes to his chil arrived in El Paso from Juarez, said he dren, Simon D. Paddock, 2d, Forest H had counted fifteen dead, including two Paddock, Norman Paddock, Marian Pad Americans, a man and a boy twelve years old. The boy was lying in the street. He had been shot through the ir., the eighteen-year-old nephew, wen breast. Most of the dead, he said, were to Syracuse when he learned that his ear the Custom House

El Paso, Tex., Jan. 31.-The garrison tion of the Steel Corporation for so long city. Locting and promiscuous shooting a time, and after rights of so sacred a prevailed for sours. Colonel Estrada, character have grown up thereunder, it commander of the garrison, was thrown

gard to its after practices an illegal officials and citizens fled to the Amerithe building was riddled with bullets.

A passenger train about to depart over

gees were assisted across the bridges and the fordable places along the river.

sand, making the actual number of the beneficial owners of the stock about one hundred and fifty thousand, that among the registered holders of the corporation's stock are over twenty-two thousand of its employes, and that cight thousand of such employes in addition are subscribers therefor.

2 Chihuahua newspaper which arrived pockets to day stating that General Pascual One of the discharge to-day of one hundred men of the Juarez garrison. The dissipance of the state of the discharge to-day of the state of the discharge to-day of the state of the state of the discharge to-day of the state of the state of the discharge to-day of the state of the state of the discharge to-day of the state of the state of the discharge to-day of the state of the state of the discharge to-day of the state of the state of the discharge to-day of the state of the state of the discharge to-day of the state of th missal of these troops was taken as con-

The fleeing refugees brought wild rumors into El Paso. There were reports that twenty persons had been killed, but when the shooting and looting had \$200 a month." subsided reporters were unable to confirm these reports."

It was said that troops were being embarked at Chihuahua for Juarez. Upon hearing this, the mutineers declared they would fight the "invaders." Their voices rang with cries of "Down with the Madero!" and "Viva Zapata!" The latter, Emiliano Zapata, was a lead-

he most serious episode which has oc- had already left his order with a com-

Colonel Augustin Estrada, commander f the garrison, and Senor Gallo, chief of police, had long been on the lookout for trouble, but their suspicions became them by surprise.

the rebels as their leader, did what he could to subdue his drink-inflamed followers, but at midnight there was still desultary firing and some looting.

The Americans who were aboard the detained passenger train were escorted to the international bridge by those of the mutineers who retained their coolness. Americans who were caught in Paso, Captain Martinez explaining that street, this city, arrived home from his narrow margin to-day. The fishing boat the uprising also were sent back to El this was done to prevent their being injured by flying bullets.

Juarez, has tendered his resignation to all her personal belongings in a suitcase and Crimmins was sitting in the stern President Madero, to return to his former and left her home. The father jumped in water to his waist, occupation as a "freighter." At the request of President Madero, however, that he reonsider his resignation, or, at least, remain in the service of the government for a few months, "since his country needed the public and the officers of the United him," Orozco has agreed to retain his com-

All telegraphic communication with Cuerwhere Emiliano Zapata and his followers are in revolt, was stopped this evening when the remaining wire to the south was Direct wires, both federal and railways, between Mexico City and Cuernavaca were cut yesterday.

# BOY KILLED WRONG MAN

#### In Avenging Insult to Sister Lad of 12 Shot Brother of Offender.

Anniston, Ala., Jan. 31.-James Hooper, aged twelve years, seeking to avenge what he believed to be an insult to his sister, searched all of Tuesday for Asa King, aged thirty years, and killed him, only to learn, according to what he is said to have admitted, that the man he really wanted was a brother of the man he killed.

The lad, who was accompanied in his search for King by a still younger trother, was brought here to-night from Pledmont where the killing occurred.

ATLANTIC COAST LINE,
The Standard Railway of the South 4 Ltd.
Traine Daily to Florida, Cuba, South, 19:16
A. M.; 1:26, 3:31, 9:30 P. M. 1218 B'way.—
Advt.

# ENRICHED PAUPER'S SON STIRS JERSEY TOWN

Simon D. Paddock. 2d. Returns to Atlantic Highlands with Lots of Money.

## \$12,000 A YEAR FOR FATHER

Youth, Formerly Helper in a Garage, Offers Old Employer Job as His Chauffeur at \$200 a Month.

Details regarding the fortune left by Smon D. Paddock, paper manufacturer, of Syracuse, were made known yesterday, when Frank W. Lasher, of Fulton, one of the executors, filed the will for probate at Syracuse. roughly estimated at \$1,500,000. It is figured that the residuary estate will amount to about \$850,000 after the be-

James Nelson Paddock, a brother of he late manufacturer, and now in the Monmouth County Hospital, in Long Branch, N. J., suffering from paralysis will receive one-third of the income from this amount, or about \$12,000 a year. He was about to be committed to the county poorhouse when his brother's will was made public, and is said to be at the dock and Mrs. Lillian Magee.

Several days ago Simon D. Paddock, uncle had remembered him in his will He had to borrow \$15 to take him from Atlantic Highlands to Syracuse, but he GYMNASIUM SUITS IN FAVOR got back yesterday with his pockets bulging with greenbacks and cigars,

He told his friends in the Jersey town that he had become heir to \$1,000,000 and he had his day vesterday, if reports from his home town are to be taken a settlement of Atlantic Highlands is still can do to alleviate the kinks in its joints after the wild dance in which it indulged vesterday as the result of the young nan's homecoming.

Simon was employed as a chauffeur by Dr. Irvin Matter, of Atlantic Highlands, until Monday. He also did odd jobs in \$15 from Judge John E. the streetcar and the railroad trip to Syracuse with a suitcase in which knew when he returned

Just to show his townfolk what's what Simon had carelessly allowed a yellow As near as can now be ascertained the hued \$20 bill to protrude from a side nockets-in fact, Simon

One of the first in the waiting line at the station was Harry Richmond, Simon's former boss, who had driven to the station in an automobile. Simon caught sight of him and pressed a \$50

bill in Richmond's hand. "Take this, Harry, as a clincher, for hereafter you are to be my chauffeur at

That was all Simon said, but Richnond gave a whoop and escorted the boy to the automobile and drove off with him. The whole town trooped after him. and after Simon had engaged a suite of rooms at Atlantic Highlands' best boarding house, the village band serenaded beneath his windows.

Simon held a levee in the town square T of the rebellion in the south against after dinner. He hinted that he was going to wake up the whole Atlantic The revolt at Juarez is regarded as seaboard with his exploits. He said he urred since Francisco I. Madero was pany for a \$5,000 automobile, and that naugurated President to succeed Por- he would put Richmond into livery of scarlet and green as chauffeur. Richmond looked squeamish, but stood pat.

After going the length and breadth of Atlantic Highlands, buying presents for men, women and children, Simon grew less acute after the arrest of General sleepy and announced that he was go-Reyes, and the revolt to-night took ing to sleep on a mattress stuffed with \$10 bills. Five or six women immedi-Captain Martinez, who was chosen by ately applied for the position of chambermaid in Simon's new boarding house.

# GIRL 13, BOY 17, ELOPE Jersey Couple Face World with

# \$10. All Told. TRy Telegraph to The Tribune

East Orange, N. J., Jan. 31.-When youngest daughter that Ella, his third The little craft filled, and when it commander of the Mexican garrison at daughter, thirteen years old, had packed touched shore the gunwales were awash to the conclusion that she had eloped with John Fitzpatrick, seventeen years negro boatmen, had been to the Guif old, and later in the evening he asked Stream and had landed a five hundredthe police to help him find his daughter. Further in stigation revealed that heavier during his absence, and when Fitzpatrick was missing, and it was de- the boatmen approached the shore stern

suppose that the \$10 represents their entire capital with which to begin married life.

taking advantage of her mother's absence from home. She and her little sister were the only ones in the house Bidding the child to say nothing about what she saw, Ella began early in the day to pack her clothing. In the mean time she received Fitzpatrick as a caller, and at 2 o'clock they went away together. The girl took along all recent photographs of herself.

"If I get Fitzpatrick I'll spill his blood. ou may come and get me," declared the frantic father of the girl to the police.

BLIND AND DUME FROM GRIEF. Minneapolis, Jan. 31.-Grief at the receipt of the news of the death of her mother in Pittsburgh caused Mrs Loretta Blakely, of this city, to become blind and dumb.

A pony glass of Angostura Bitters daily a splendid tonic.—Advt



HOW GIRL GRADUATES ELIMINATED ENVY AND EXTRAVAGANCE. "Meldy" blooses the garb chosen for graduating exercises by students at Washington Irving High School

Girls of Washington Irving High School in Simple Gowns.

#### Many Dresses Made at Sewing Class at Cost of About 85 Cents.

There were no heartburnings at the midwinter graduating exercises of the Washington Irving High School last jects of it.

These graduates went the others, who

They tell a story at this school about a shoemaker who: e daughter was gradheirloom, the only thing of value he her gown and a carriage to take her to tacked to-day with a revolver by her the exercises. It wasn't long after that husband following a quarrel over dothat the "sensible graduation" movement mestic affairs. She received three bullet started at the old school from which so many girls have gone out.

Just to make sure that no fripperies crept in last night, three dress censors curred in the rooms of the employment were stationed in the gymnasium of the Stuyyesant High School, on East 15th street, where the exercises took place, ready to inform any girl who erred on the side of fuss and feathers that she would not have the glory of receiving her diploma that night, but could come for it next day. But the censors were

Yesterday was a busy day at the Washington Irving High School, in East 12th street, for it was the midwinter registration. Girl pupils acted as registrars, one for each letter of the alphabet. They sat behind a table that encircled three sides of the gymnasium, and patiently filled out cards for the hundreds of applicants, who came in a continuous stream from 12 o'clock until nearly 3. Two girl policemen hovered in the background to preserve order if needed, and a reception committee of girls with red pasteboard hearts on their breasts, symbolizing the school spirit, stood at the

# J. D. CRIMMINS IN PERIL Huge Shark Partially Swamps

#### His Boat in Heavy Sea. . Palm Beach, Fla., Jan. 31.-A hundred yards off an ocean pier, on which stood scores of his friends, John D. Crimmins, Emil L. Edelhoff, of No. 296 Sanford of New York, escaped drowning by a work as a journeyman carpenter to- in which he was returning to port was night he learned from the lips of his almost smothered in the heavy surf.

Mr. Crimmins, accompanied by two

clared that Ella took \$10 of her mother's first the big rollers swamped the boat, navaca, capital of the State of Morelos, money. As Fitzpatrick's family is poor first in the stern and then in the bow, and he has not been working lately, it is where the body of the shark was shifted by the sudden twist. The deadweight of the fish held the bow under the water while wave after rave massed over it. The boatmen lost

Elia stayed away from school to-day, the oars on the port side, and it looked as if all concerned would go to the botuntil the breakers finally threw the

# ANGLO-DUTCH TELEPHONE Conversation Held Between Lon-

don and Amsterdam. [By Cable to The Tribune.] London, Feb. L-Telephonic communication between England and the Conti-

nent is developing rapidly. Conversations took place last night between London and Amsterdam and Rotterdam. The Postmaster General hopes to be in a position to open an Anglo-Swiss telephonic service as soon as negotiaions with the Swiss and French admin strations have been completed.

WHERE TO TAKE LUNCH
and drink the best American Wines.
DEWEY&SONS CO, 133 Fuiton St., N.Y.
Advt.

#### ROBBERS ESCAPE IN TAXI Get \$200 from Agent at Muzzles of Revolvers. Max Schneider, a newspaper agent, at

No. 15 Frankfort street, had made up his receipts for the day, amounting to \$201 30, and was preparing to go home last evening, when two men with drawn firing a shot over his head demanded his cash. At first Schnelder laughed, but and handed over the money.

Then, backing out of the doorway, after threatening to shoot any one who followed them, they sent another bullet into the wall and hurried to the street Directly around the corner, in front of a entered and in which they made good their escape. Although there were other persons in the place besides Schnelder at

The police put detectives on the case nd Schneider gave a fairly good decription of the robbers. The police are

# Husband's Attacks.

(By Telegraph to The Tribune ) Chicago, Jan. 31.—For the second time within six months Louise Carlin, of No. proprietor of an employment agency at possessed, for \$65 and spent it all on No. 160 North Fifth avenue, was atwounds in the back, none of which is serious. She was taken to the Iroquois Memorial Hospital. The shooting oc-

After the woman was placed on the operating table surgeons announced that the three bullets which had struck her had inflicted only flesh wounds. One hour after the shooting occurred she left the hospital and boarded a streetcar for her home.

The woman explained that she had grown accustomed to the attacks of her husband. She has applied for a divorce,

### WAS LOVE AT FIRST SHAVE Old Man Gave Woman Barber a Shop for a Tip. Wife Says.

(By Telegraph to The Tribune.) Chicago, Jan. 31.—Alvah H. Arnold, the wealthy head of a manufacturing concern bearing his name, was reclining in a chair n a Dearborn street "lady barber shop" this afternoon, when a heavy-set man with a husky voice walked in. "Are you Alvah H. Arnold?" he asked.

"I am," said Arnold, as the "lady barber" lifted the hot towel from his face and pre pared to massage it. "I am here to serve you with divorce

apers," continued the visitor, showing a eputy sheriff's star. Mrs. Arnold sued for divorce last May,

eclaring her husband was a victim of 'lady barberitis," mentioning Mrs. Daisy Mullen, proprietor of a shop, as one of the objects of his affection. - She also named lower house of the Legislature by a vote of mean only the commission of the deed, then other women barbers, among whom was a 53 to 7, with an emergency clause attached, the defendant should be found guilty." "Juliet." who was said to have received a as follows: European trip from Mr. Arnold.

Mrs. Arnold charged that her husband, Mullen when she was "head barber" in a downtown shop, and it became a case of ove at first shave. Mrs. Arnold says her bushand paid \$500 for a shop for Mrs. Mullen, giving it to her in the form of a tip.

#### POLICE SHOTS RIDDLE NEGRO pound shark A heavy surf had grown Fugitive Falls Dead, with Half a Chicago's "Merchant Princess" Leads Dozen Bullets in Body.

An unidentified negro was killed early bullets.

37th street police station, was trying the \$1,290,000. door of the drugstore of H. G. Bowles, at ried to stop him and he sent three shots insurance circles a "good risk.". after McGowan, who drew his revolver and kept firing as he chased the negro down Ninth avenue to 28th street and Seventh avenue. The shots attracted a large crowd, who

took up the chase, including a score or change fixed posts. At the southwest cornegro suddenly toppled to the sidewalk she had had no new clothing since she after sending four shots in the direction of

TO THE RESORTS OF THE SOUTH Southern Railway the best way. 6 Through Trains daily from New York. Highest class equipment. Apply 264 Fifth Ave., cor. 29th.

Daughter of Lumberman Calls Heip After Two Days.

#### revolvers entered his place, and after WOULDN'T LET DOCTOR IN

soon realized that they were in earnest Detectives Find Six Bankbooks and Valuable Papers in House Overrun by Cats.

> early last evening at his home, No. 1741/2 Garfield place, Brooklyn. His daughter, Mary E. Bensfield, forty-four years old, was taken to the Kings County Hospital, where it was found that she was sufferng from insanity.

employed by the lumber firm of Albro bench for five minutes after MacFarland J. Newton Company, was taken ill. On had been led away. Finally he arose and, nelined to believe that some one who his way home in a taxicab Mr. Bensfield after waving his hand at the attendants of Schneider's method of closing stopped at the office of Dr. Dusseldorf, and lawyers, walked slowly to his chamip his place for the day had a hand in of No. 326 Union street, Brooklyn, who bers. found him suffering from heart disease and prescribed for him. Although Dr. was met by Warden McGuinness, with SHOT THRICE; WALKS HOME Dusseldorf had tried to get in the house whom he shook hands, and remarked: several times to find out how his patient Woman Explains She Is Used to was getting along his daughter refused this time to stay a long while. I hope him admittance, saying her father was we will still be good friends." all right and did not require the ser- warden assured him that they would

vices of a physician. moned Miss Elizabeth Arnold, her next oughly searched during the night to or neighbor, and asked her to come to guard her house and help awaken her father, suicide or to prevent the prisoner from Realizing that Mr. Bensfield was dead, injuring himself. Miss Arnold informed the police. Dr. Ackerman, of Seney Hospital, said Mr. Bensfield had been dead for at least two days. Miss Bensfield insisted that her father was only asleep. It was then that the surgeon suggested that she ba taken to the Kings County Hospital.

When Lieutenant McCauley and two detectives from the Bergen street station arrived they found the house in an unsanitary condition. There were more than a dozen cats there which appeared as if they hadn't been fed in weeks, and in the house.

In an old-desk the police found six bankbooks made out to the dead man, aggregating \$10,000, and deeds and mortgages amounting to \$5,000 more. About the waist of Miss Bensfield was a large bandanna handkerchief in which their time reading the letters. was wrapped \$277.78.

lived is a three story brownstone dwelling and is in the heart of the Park Slope section of Brooklyn. According to neighbors Mr. Bensfield and his daughter had made their home there for the last twenty years, and not once during that period had they seen any one else either going into the house or out of it.

# KENTUCKY SOLONS BAR TIPS

#### Declare Emergency Exists Because of Drain on Lawmakers. Frankfort, Ky., Jan. 31. - Kentucky's

Whereas, Members of the Legislature are now paying out sums of money in the who is over eighty years old, had met Mrs. way of tips, an emergency is therefore de- as to whether the woman took the poison clared to exist, and this bill shall become a accidentally or with suicidal intent. The aw as soon as signed by the Governor." The bill provides a fine for tipping waiters and porters.

# WOMAN'S INSURANCE \$1,200,000

## Her Sex in Amount of Policies. Chicago, Jan. 31.-Mrs. Charles Netch-

morping after more than two- er, known as the "merchant princess," ant's statements to them as the truth, core shots had been exchanged between came out to-day in defence of women in him and a dozen or more patrolmen who business. Mrs. Netcher, who says she is had chased him. Dr. Saber, of the New too busy even to go home to luncheon, is, York Hospital, who responded to an am- so far as known, the holder of the largbulance call, found that the negro's body est amount of life incurance now carried had been riddled by at least a half dozen by any woman. Mrs. Netche has just bottle where a bottle which contained brotaken out a policy for \$200,000, making While Sergeant McGowan, of the West the total amount now carried by her

After the death of her husband, in 1994, marked, "as I recollect it from the testi-No. 214 Ninth avenue, the negro came Mrs. Netcher took charge of his business dashing out of the place. The sergeant affairs and soon became what is called in here is one aspect of the case, namely, icles are with three companies, the other two being for \$500,000 enc.,

#### NO NEW CLOTHES IN 17 YEARS. Kansas City, Jan. 31.-Wearing the same dress in which she was married seventeen more patrolmen, who were just about to years ago in Liverpool, England, Mrs. E. E. The law of this state is that where it is Newton has applied for a divorce in the ner of 37th street and Seventh avenue the district court. In her petition she declared

made her wedding garments. PEDRIDA TOUR 550.

Pennsylvania Railroad, Leaves New York February 6. Special Puliman train. Two, weeks independent travel in Florida. Itinerary of C. Studds, D. P. A., 263 Fifth Ave. —Advt.

# M'FARLAND GUILTY OF WIFE POISONING

Jury Returns Verdict of Murder in First Degree After Considering Case Until Midnight.

### HEARS HIS FATE UNMOVED

Placed Cyanide of Potassium in Medicine Bottle-Had Promised to Marry Another Woman -His Letters in

Allison MacFarland was found guilty of murder in the first degree last night by the Newark jury before which he was tried for polsoning his wife. The verdict was reached at 11:24 o'clock, and word was immediately sent to Chief Justice Gummere, who presided at the trial. The justice hurried to the court building in a taxicab, arriving at 11:40 o'clock.

The jury was then led into the room

where MacFarland sat with his counsel.

Evidence.

The prisoner merely glanced up as the twelve men filed past him. He showed absolutely no emotion. Deputy Cier's George Maner then called the roll, and Lawrence Hooper, the foreman, announced the verdict. MacFarland heard he words "Guilty of murder in the first degree" without a movement of his face. Prosecutor Mott moved that the prisoner be remanded for sentence, and this was concurred in by the chief justice. Court officers then walked over to Mac-Farland and put the handcuffs on him. Directly behind the prisoner was his uncle, Andrew MacFarland. As he passed by him on the way to his cell MacFarland shook hands and smiled.

erect and his step firt ... Two women and a score of men who had been hanging about the courtroom Henry Bensfield, seventy-nine years all the evening were on hand to hear d, a master carpenter, was found dead the verdict. They were warned by Justice Gummere not to make any demonstration. When the foreman announced the verdict there was scarcely

As he left the courtroom his body was

a sound to be heard. To all appearances the most strongly affected person in the room was the On Monday Mr. Bensfield, who was justice. He remained seated on the

When MacFarland reached the jail he

"Well, warden, I guess I've come back and then he took charge of the prisoner. Early last evening Miss Bensfield sum- Every inch of his clothing was thor-

# Effect of Justice's Charge.

When Chief Justice Gummere ended a long charge to the jury, a sentiment as expressed previously that an acquittal would be the termination of the case was changed to one of doubt. Up to that time it was generally predicted that the state had failed in the establishment of its case, and as both the state and the defence in summing up had urged against a compromise there was but one impression as

to the probable outcome. Then it was realized that more than one hundred and fifty letters, some of them there was not a whole piece of furniture from the defendant's wife to him, others written by Florence Bromley, the alleged "affinity." and by MacFarland himself, had been taken into the jury room without the ontents being made known in court. The urors had been out more than seven hours when they ordered dinner. At the same time it leaked out that the men had spent

The chief justice dwelt upon the fact The house in which Miss Bensfield that the state had endeavored to prove that MacFarland, because of his desire to wed Miss Bromley, had placed the cyanide in a bottle where his wife would unwittingly take it. This the prosecution sought to prove by circumstantial evidence. "To prove by circumstantial evidence,"

the court advised, "it is necessary that the

circumstances concur, and they must exclude every other possible interpretation

but that indicating the guilt of the defendant. If this be not the case, then it is the duty of the jury to find the defendant not ghilty. "But the crime of murder by poison is not likely to be committed before witnesses, and must, from its nature, be proved by circumstantial evidence. Where facts are roposed anti-tipping law has passed the presented to you that can be interpreted to

> The justice pointed out the steps of the state in its effort to show the defendant guilty, and then referred to the question court also referred to the testimony of witnesses as to statements of the defendant

> "The defendant," the court continued, has had opportunity to contradict these statements, but has not availed himself of the privilege; indeed, he has produced one other statement made by him. So it seems to me, under the circumstances, you are justified in accepting these stateme witnesses who testified as to the defend-

The Story of the Bottle. The chief Justice here referred to admissions by the defendant, as told of by witnesses, that he placed the poisonyfilled mide used by Mrs. MacFarland for medici-

nal purposes had stood. "This is his own story," the court remony of witnesses. Let me say here that Her pol- that the defendant may be found guilty of homicide even if he had no intention of taking his wife's life-if the matter came about without any ulterior motive and solely for the purpose recited.

"This was a deadly poison, put in a po-sition so that his wife might take it easily. proved that death has resulted from the reckless carelessness of another-carelessness so great as to show a disregard of human life no matter how innocent the purpose might be-that person is guilty of involuntary manslaughter.

The court reverted to the fact that the state did not contend that criminal carelesness on MacFarland's part had any part